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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,535	01/23/2007	Antonio Vangelisti	8037-95746	8810
24628	7590	08/14/2007	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			MAHONE, KRISTIE ANNETTE	
		ART UNIT		PAPER NUMBER
		3751		
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		08/14/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/557,535	VANGELISTI, ANTONIO
	Examiner Kristie A. Mahone	Art Unit 3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 January 2007.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 January 2007 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “**means of engagement**” (claim 1), “**plurality of eyelets**” (claim 3), “**perimetric edge with a sac form**” (claim 4), and the “**storage bag**” (claim 5) must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it appears to exceed 150 words. Also, the abstract is a substantial repetition of the language of claim 1 and contains legal phraseology ("comprising" at line 2). Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities. Line 2 should read: --fixed along **a** perimetric edge --. Also, the meaning of the phrase "conceived to be" (line 10) is not entirely clear. Appropriate correction and clarification is required.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,4,6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated Gisondi (3,533,110).

Regarding claim 1, Gisondi shows a swimming pool covering system comprising a basic tarpaulin (17) and a covering tarpaulin (16) which are irremovably fixed together along a perimeter edge (18) (Figs 1,2; Col. 2, lines 60-70 ). An inflation valve (19) allows air to enter between the basic and covering tarpaulins and form a chamber (14), giving the covering tarpaulin an arched configuration. (See Fig. 1;Col. 3, lines 3-5). There is also an additional “deflation valve” (19) designed to release air contained the chamber. The basic tarpaulin (17) has a perimeter edge (as at 18) with a means of engagement (27,28) for anchoring the system to an edge of a swimming pool (12) (Col. 3, lines 18-40). The covering system may be transformed from a resting condition, in which it is inactive and the tarpaulins are folded, to an operative condition in which the basic tarpaulin is located just above the waterline and an air chamber lifts the covering tarpaulin off the basic tarpaulin (See Fig. 1).

Regarding claim 4, note that the means of engagement is a perimetric edge (27) defining a sac (28) which may be filled with water, forming a ballast to anchor the perimeter of the basic tarp to an edge of a swimming pool. (Fig. 2, Col. 3, lines 18-40).

Regarding claim 6, the basic and covering tarps are made of plastic material (Col. 2, lines 64-66).

Regarding claim 7, the tarps are joined by heating sealing; i.e. hot air (Col. 3, lines 1-2).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gisondi (as discussed *supra*) in view of Broderson (3,957,193).

Gisondi discloses a heat sealing process, but does not specify an arc welding, as claimed. Broderson, however, teaches that it is known to use an arch-welder to seal plastic sheeting. (Col. 4, lines 1-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have utilized an arch welder, as taught by Broderson, to produce heat sufficient to fuse the basic and covering tarps.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gisondi (as discussed *supra*) in view of Kingston (4,606, 083).

Gisondi teaches a means for anchoring a covering to a pool, but does not disclose a plurality of eyelets, as claimed. Kingston however teaches anchoring a pool covering with a plurality of eyelets (10) provided along the perimeter of the cover which cooperate with stakes (11) positioned along a pool edge (Fig. 2, Col. 2, lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gisondi's covering system by substituting anchoring eyelets (as shown by Kingston) for the disclosed water filled sleeve to restrain the pool cover, especially since eyelets are not vulnerable to puncture.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gisondi (as discussed *supra*) in view of Baumann (6,286,157).

Gisondi lacks a storage bag. Baumann, however, discloses a package for containing a folded pool cover. (Col. 3, lines 38-40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have included a storage bag with Gisondi's covering system to enable neat, compact storage in view of Baumann.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie A. Mahone whose telephone number is (571) 272-3680. The examiner can normally be reached on Monday -Friday 8:30A.M-5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Kristie A. Mahone  
Examiner  
Art Unit 3751

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GREGORY HUSON  
SUPERVISORY PATENT EXAMINER  
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